

**TITLE 28**

**United States Code**

*Congressional Service*



**Pages 1487-2174**

**80th Congress — 2d Session**

**Epochal Legislation**

*New*

**Title 28 — United States Code  
Judiciary and Judicial Procedure**

**Approved June 25, 1948**

**Effective September 1, 1948**

**WEST PUBLISHING CO.**

**EDWARD THOMPSON CO.**



## NEW TITLE 28—UNITED STATES CODE JUDICIARY AND JUDICIAL PROCEDURE

Not since 1911 has Congress passed a bill of such epochal importance to the bench and bar as H.R. 3214 revising laws relating to the Federal judiciary and judicial procedure.

This revision of Title 28 of the United States Code ranks in importance with the Judiciary Act of 1789, the Revised Statutes of 1873-74 and the Judicial Code of 1911.

As a special service to those who administer justice from the bench and at the bar, this pamphlet includes the most authoritative and complete legislative history yet published in connection with a Federal law. Special attention is directed to the table of contents in which is enumerated historical and interpretive aids to a study of the new Title 28 as set out in this pamphlet.

### OUTLINE OF HISTORY

Early in 1944 work on the revision of Title 28 was commenced under the direction of the House Committee on Revision of the Laws. The work was done by the West Publishing Company, of St. Paul, Minnesota, and the Edward Thompson Company, of Brooklyn, New York, compilers of the United States Code. The editorial staffs of these two companies were augmented by expert revisers and consultants, and assisted by an Advisory Committee of distinguished judges and lawyers.

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**NEW TITLE 28—UNITED STATES CODE**

The Advisory Committee held its first meeting at Brooklyn, New York, on February 5, 1945, and reviewed the work then completed which comprised Part I of the proposed title.

On May 28, 1945, the Advisory Committee met at Hershey, Pennsylvania, and reviewed the work then completed which comprised Parts I-IV of the proposed title.

Congressman Keogh, Chairman of the House Committee on Revision of the Laws, introduced H. R. 3498 in the seventy-ninth Congress, on June 19, 1945, incorporating Part I of revised Title 28. The bill was referred to such Committee, but no Committee action was taken.

On December 3, 1945 the Advisory Committee met at Washington, D. C., and reviewed the completed revision.

The fourth and final meeting of the Advisory Committee was held at Washington, D. C., on April 1-3, 1946, at which time further recommendations and proposed changes were reviewed.

✓ On July 24, 1946, Congressman Keogh reported an original bill, H. R. 7124, in the seventy-ninth Congress, containing the completed revision, which was committed to the Committee of the Whole House on the State of the Union. House Report No. 2646, July 24, 1946, to accompany the bill, was printed and issued by the House Committee on Revision of the Laws, but the seventy-ninth Congress ended before any further action was taken.

The late Congressman Robsion, Chairman of Subcommittee No. 1 of the House Judiciary Committee, introduced H. R. 2055 in the Eightieth Congress, a successor bill to H. R. 7124, and incorporating laws enacted subsequently to the introduction of H. R. 7124 in the prior Congress. The bill was referred to the House Judiciary Committee which, in the reorganization of Congressional committees, had absorbed the previous House Committee on Revision of the Laws.

Subcommittee No. 1 of the House Judiciary Committee held a hearing on H. R. 2055, on March 7, 1947.

On April 22, 1947, the House Judiciary Committee reported favorably on H. R. 2055, but recommended a substitute bill, H. R. 3214, incorporating additional changes.

✓ Congressman Robsion introduced H. R. 3214 in the Eightieth Congress on April 25, 1947, which was referred to the House Judiciary Committee, and committed to the Committee of the Whole House on the State of the Union. House Report No. 308, April 25, 1947, to accompany H. R. 3214, 80th Congress, was printed and issued by the House Judiciary Committee.

H. R. 3214, with amendments, was passed in the House on July 7, 1947, and was referred to the Senate Judiciary Committee.

#### **JUDICIARY AND JUDICIAL PROCEDURE**

A subcommittee of the Senate Judiciary Committee, with Senator Donnell of Missouri as Chairman, held hearings on H. R. 3214, on April 22-24, 1948.

On June 9, 1948, the Senate Judiciary Committee reported out H. R. 3214, with amendments, accompanied by Senate Report No. 1559.

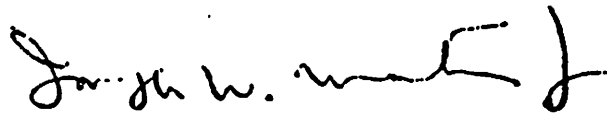
The bill, with amendments, was passed by the Senate on June 12, 1948, followed by a motion to reconsider. The motion to reconsider was withdrawn on June 15, 1948, and on June 16, 1948, the House concurred in the Senate amendments. As finally passed, the bill incorporated all laws affecting Title 28 up to and including January 5, 1948.

#### **EFFECTIVE DATE**

This new Title 28, United States Code, becomes effective on September 1, 1948.

The following are facsimile signatures appended to  
H.R. 3214 — Title 28, United States Code,  
Judiciary and Judicial Procedure.

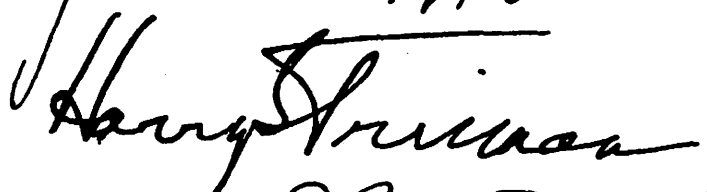
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*Speaker of the House of Representatives.*



*President of the Senate pro tempore.*

Approved  
June 25, 1948  
  
12:25 P.M. E.D.T.

*United States*

# United States Code *Congressional Service*

80th Congress—Second Session

1948

**New**

**Title 28, United States Code  
Judiciary and Judicial Procedure**

**With  
Official Legislative History  
and  
Reviser's Notes**

St. Paul, Minn.      Brooklyn, N. Y.  
West Publishing Co.      Edward Thompson Co.

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U.S. CONG. SERV. '48

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**PRESIDENT**

**Harry S. Truman**

**CABINET**

**SECRETARY OF STATE**

**George C. Marshall**

**SECRETARY OF THE TREASURY**

**John W. Snyder**

**SECRETARY OF DEFENSE**

**James V. Forrestal**

**ATTORNEY GENERAL**

**Tom C. Clark**

**POSTMASTER GENERAL**

**Jesse M. Donaldson**

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**Julius Albert Krug**

**SECRETARY OF AGRICULTURE**

**Charles Franklin Brannan**

**SECRETARY OF COMMERCE**

**Charles Sawyer**

**SECRETARY OF LABOR**



**SENATE**

PRESIDENT PRO TEMPORE	Arthur H. Vandenberg
SECRETARY	Carl A. Loeffler
PARLIAMENTARIAN	Charles L. Watkins
SERGEANT AT ARMS	Edward F. McGinnis
POSTMASTER	J. W. Cloverdale
CHAPLAIN	Rev. Peter Marshall, D.D.

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MAJORITY LEADER	Wallace H. White, Jr.
MAJORITY WHIP	Kenneth S. Wherry
MINORITY LEADER	Alben W. Barkley
MINORITY WHIP	Scott W. Lucas

	Party	City
<b>ALABAMA</b>		
Hill, Lister	D	Montgomery
Sparkman, John J.	D	Huntsville
<b>ARIZONA</b>		
Hayden, Carl	D	Phoenix
McFarland, Ernest W.	D	Florence
<b>ARKANSAS</b>		
McClellan, John L.	D	Camden
Fulbright, J. William	D	Fayetteville
<b>CALIFORNIA</b>		
Downey, Sheridan	D	Laguna Beach
Knowland, William F.	R	Oakland
<b>COLORADO</b>		
Johnson, Edwin C.	D	Craig
Millikin, Eugene D.	R	Denver
<b>CONNECTICUT</b>		
McMahon, Brien	D	South Norwalk
Baldwin, Raymond E.	R	Stratford
<b>DELAWARE</b>		
Buck, C. Douglass	R	Wilmington
Williams, John J.	R	Millsboro
<b>FLORIDA</b>		
Pepper, Claude	D	Tallahassee
Holland, Spessard L.	D	Bartow
<b>GEORGIA</b>		
George, Walter F.	D	Vienna
Russell, Richard B.	D	Winder
<b>IDAHO</b>		
Taylor, Glen H.	D	Pocatello
Dworshak, Henry C.	R	Burley
<b>ILLINOIS</b>		
Lucas, Scott W.	D	Havana
Brooks, C. Wayland	R	Chicago

IX

**SENATE**

<b>INDIANA</b>	<b>Party</b>	<b>City</b>
Capeheart, Homer E.	R	Washington
Jenner, William E.	R	Bedford
<b>IOWA</b>		
Wilson, George A.	R	Des Moines
Hickenlooper, Bourke B.	R	Cedar Rapids
<b>KANSAS</b>		
Capper, Arthur	R	Topeka
Reed, Clyde M.	R	Parsons
<b>KENTUCKY</b>		
Barkley, Alben W.	D	Paducah
Cooper, John Sherman	R	Somerset
<b>LOUISIANA</b>		
Feazel, W. C.	D	Monroe
Ellender, Allen J.	D	Houma
<b>MAINE</b>		
White, Wallace H., Jr.	R	Auburn
Brewster, Owen	R	Dexter
<b>MARYLAND</b>		
Tydings, Millard E.	D	Havre de Grace
O'Connor, Herbert R.	D	Annapolis
<b>MASSACHUSETTS</b>		
Saltonstall, Leverett	R	Chestnut Hill
Lodge, Henry Cabot Jr.	R	Beverly
<b>MICHIGAN</b>		
Vandenberg, Arthur H.	R	Grand Rapids
Ferguson, Homer	R	Detroit
<b>MINNESOTA</b>		
Ball, Joseph H.	R	St. Paul
Thye, Edward J.	R	Northfield R. F. D.
<b>MISSISSIPPI</b>		
Eastland, James O.	D	Ruleville
Stennis, John C.	D	DeKalb
<b>MISSOURI</b>		
Donnell, Forrest C.	R	Webster Grove
Kem, James P.	R	Kansas City
<b>MONTANA</b>		
Murray, James E.	D	Butte
Ecton, Zales N.	R	Manhattan
<b>NEBRASKA</b>		
Butler, Hugh	R	Omaha
Wherry, Kenneth S.	R	Pawnee City
<b>NEVADA</b>		
McCarran, Pat	D	Reno
Malone, George W.	R	Reno
<b>NEW HAMPSHIRE</b>		
Bridges, Styles	R	Concord
Tobey, Charles W.	R	Temple

X

**SENATE**

<b>NEW JERSEY</b>	<b>Party</b>	<b>City</b>
Hawkes, Albert W.	R	Montclair
Smith, H. Alexander	R	Princeton
<b>NEW MEXICO</b>		
Hatch, Carl A.	D	Clovis
Chavez, Dennis	D	Albuquerque
<b>NEW YORK</b>		
Wagner, Robert F.	D	New York City
Ives, Irving M.	R	Norwich
<b>NORTH CAROLINA</b>		
Umstead, William B.	D	Durham
Hoey, Clyde R.	D	Shelby
<b>NORTH DAKOTA</b>		
Langer, William	R	Bismarck
Young, Milton R.	R	Berlin
<b>OHIO</b>		
Taft, Robert A.	R	Cincinnati
Bricker, John W.	R	Upper Arlington
<b>OKLAHOMA</b>		
Thomas, Elmer	D	Medicine Park
Moore, E. H.	R	Tulsa
<b>OREGON</b>		
Cordon, Guy	R	Roseburg
Morse, Wayne	R	Eugene
<b>PENNSYLVANIA</b>		
Myers, Francis J.	D	Philadelphia
Martin, Edward	R	Washington
<b>RHODE ISLAND</b>		
Green, Theodore Francis	D	Providence
McGrath, J. Howard	D	Providence
<b>SOUTH CAROLINA</b>		
Maybank, Burnet R.	D	Charleston
Johnston, Olin D.	D	Spartanburg
<b>SOUTH DAKOTA</b>		
Gurney, Chan	R	Yankton
Bushfield, Harlan J.	R	Miller
<b>TENNESSEE</b>		
McKellar, Kenneth	D	Memphis
Stewart, Tom	D	Winchester
<b>TEXAS</b>		
Connally, Tom	D	Marlin
O'Daniel, W. Lee	D	Fort Worth
<b>UTAH</b>		
Thomas, Elbert D.	D	Salt Lake City
Watkins, Arthur V.	R	Orem
<b>VERMONT</b>		
Aiken, George D.	R	Putney
Flanders, Ralph E.	R	Springfield

**XI**



**SENATE**

	<b>Party</b>	<b>City</b>
<b>VIRGINIA</b>		
Byrd, Harry Flood	D	Berryville
Robertson, A. Willis	D	Lexington
<b>WASHINGTON</b>		
Magnuson, Warren G.	D	Seattle
Cain, Harry P.	R	Tacoma
<b>WEST VIRGINIA</b>		
Kilgore, Harley M.	D	Beckley
Revercomb, Chapman	R	Charleston
<b>WISCONSIN</b>		
Wiley, Alexander	R	Chippewa Falls
McCarthy, Joseph R.	R	Appleton
<b>WYOMING</b>		
O'Mahoney, Joseph C.	D	Cheyenne
Robertson, Edward V.	R	Cody

<b>Republicans</b>	-	-	-	-	-	-	<b>51</b>
<b>Democrats</b>	-	-	-	-	-	-	<b>45</b>

## HOUSE OF REPRESENTATIVES

SPEAKER	Joseph W. Martin, Jr.
CLERK	John Andrews
PARLIAMENTARIAN	Lewis Deschler
SERGEANT AT ARMS	William F. Russell
DOORKEEPER	M. L. Meletio
POSTMASTER	Frank W. Collier
CHAPLAIN	Rev. James Shera Montgomery, D.D.

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MAJORITY LEADER	Charles A. Halleck
MAJORITY WHIP	Leslie C. Arends
MINORITY LEADER	Sam Rayburn
MINORITY WHIP	John W. McCormack

	Party	Dist.	City
<b>ALABAMA</b>			
Boykin, Frank W.	D	1	Mobile
Grant, George M.	D	2	Troy
Andrews, George W.	D	3	Union Springs
Hobbs, Sam	D	4	Selma
Rains, Albert	D	5	Gadsden
Jarman, Pete	D	6	Livingston
Manasco, Carter	D	7	Jasper
Jones, Robert E., Jr.	D	8	Scottsboro
Battle, Laurie C.	D	9	Birmingham
<b>ARIZONA</b>			
Harless, Richard F.	D	At L.	Phoenix
Murdock, John R.	D	At L.	Tempe
<b>ARKANSAS</b>			
Gathings, E. C.	D	1	West Memphis
Mills, Wilbur D.	D	2	Kensett
Trimble, James W.	D	3	Berryville
Cravens, Fadjo	D	4	Fort Smith
Hays, Brooks	D	5	Little Rock
Norrell, W. F.	D	6	Monticello
Harris, Oren	D	7	El Dorado
<b>CALIFORNIA</b>			
Lea, Clarence F.	D	1	Santa Rosa
Engle, Clair	D	2	Red Bluff
Johnson, Leroy	R	3	Stockton
Havener, Franck R.	D	4	San Francisco
Welch, Richard J.	R	5	San Francisco
Miller, George P.	D	6	Alameda
Allen, John J. Jr.	R	7	Oakland
Anderson, Jack Z.	R	8	San Juan Bautista
Gearhart, Bertrand W.	R	9	Fresno
Elliott, Alfred J.	D	10	Tulare

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**HOUSE OF REPRESENTATIVES**

<b>CALIFORNIA—Continued</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Bramblett, Ernest K.	R	11	Pacific Grove
Nixon, Richard M.	R	12	Whittier
Poulson, Norris	R	13	Los Angeles
Douglas, Helen Gahagan	D	14	Los Angeles
McDonough, Gordon L.	R	15	Los Angeles
Jackson, Donald L.	R	16	Santa Monica
King, Cecil R.	D	17	Los Angeles
Bradley, Willis W.	R	18	Long Beach
Holifield, Chet	D	19	Montebello
Hinshaw, Carl	R	20	Pasadena
Sheppard, Harry R.	D	21	Yucaipa
Phillips, John	R	22	Banning
Fletcher, Charles K.	R	23	San Diego
<b>COLORADO</b>			
Carroll, John A.	D	1	Denver
Hill, William S.	R	2	Fort Collins
Chenoweth, J. Edgar	R	3	Trinidad
Rockwell, Robert F.	R	4	Paonia
<b>CONNECTICUT</b>			
Miller, William J.	R	1	Weathersfield
Seely-Brown, Horace, Jr.	R	2	Pomfret
Foote, Ellsworth B.	R	3	North Branford
Lodge, John Davis	R	4	Westport
Patterson, James T.	R	5	Naugatuck
Sadlak, Antoni N.	R	At L.	Rockville
<b>DELAWARE</b>			
Boggs, J. Caleb	R	At L.	Wilmington
<b>FLORIDA</b>			
Peterson, J. Hardin	D	1	Lakeland
Price, Emory H.	D	2	Jacksonville
Sikes, Robert L. F.	D	3	Crestview
Smathers, George A.	D	4	Miami
Hendricks, Joe	D	5	De Land
Rogers, Dwight L.	D	6	Fort Lauderdale
<b>GEORGIA</b>			
Preston, Prince H., Jr.	D	1	Statesboro
Cox, E. E.	D	2	Camilla
Pace, Stephen	D	3	Americus
Camp, A. Sidney	D	4	Newnan
Davis, James C.	D	5	Decatur
Vinson, Carl	D	6	Milledgeville
Lanham, Henderson	D	7	Rome
Wheeler, W. M. (Don)	D	8	Douglas
Wood, John S.	D	9	Canton
Brown, Paul	D	10	Elberton
<b>IDAHO</b>			
Goff, Abe McGregor	R	1	Moscow
Sanborn, John	R	2	Hagerman

XIV

**HOUSE OF REPRESENTATIVES**

<b>ILLINOIS</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Dawson, William L.	D	1	Chicago
Vail, Richard B.	R	2	Chicago
Busbey, Fred E.	R	3	Chicago
Gorski, Martin	D	4	Chicago
Sabath, Adolph J.	D	5	Chicago
O'Brien, Thomas J.	D	6	Chicago
Gordon, Thomas S.	D	8	Chicago
Twyman, Robert J.	R	9	Chicago
Church, Ralph E.	R	10	Evanston
Reed, Chauncey W.	R	11	West Chicago
Mason, Noah M.	R	12	Oglesby
Allen, Leo E.	R	13	Galena
Johnson, Anton J.	R	14	Macomb
Chiperfield, Robert B.	R	15	Canton
Dirksen, Everett M.	R	16	Pekin
Arends, Leslie C.	R	17	Melvin
Jenison, Edward H.	R	18	Paris
McMillen, Rolla C.	R	19	Decatur
Simpson, Sid	R	20	Carrollton
Price, Melvin	D	22	East St. Louis
Vursell, Charles W.	R	23	Salem
Clippinger, Roy	R	24	Carmi
Bishop, C. W. (Runt)	R	25	Carterville
Stratton, William G.	R	At L.	Morris

<b>INDIANA</b>			
Madden, Ray J.	D	1	Gary
Halleck, Charles A.	R	2	Rensselaer
Grant, Robert A.	R	3	South Bend
Gillie, George W.	R	4	Fort Wayne
Harness, Forest A.	R	5	Kokomo
Johnson, Noble J.	R	6	Terre Haute
Landis, Gerald W.	R	7	Linton
Mitchell, E. (Edward) A.	R	8	Evansville
Wilson, Earl	R	9	Huron
Harvey, Ralph	R	10	New Castle
Ludlow, Louis	D	11	Indianapolis

<b>IOWA</b>			
Martin, Thomas E.	R	1	Iowa City
Talle, Henry O.	R	2	Decorah
Gwynne, John W.	R	3	Waterloo
LeCompte, Karl M.	R	4	Corydon
Cunningham, Paul	R	5	Des Moines
Dolliver, James I.	R	6	Fort Dodge
Jensen, Ben F.	R	7	Exira
Hoeven, Charles B.	R	8	Alton

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XV

**HOUSE OF REPRESENTATIVES**

<b>KANSAS</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Cole, Albert M.	R	1	Holton
Scrivner, Errett P.	R	2	Kansas City
Meyer, Herbert A.	R	3	Independence
Rees, Edward H.	R	4	Emporia
Hope, Clifford R.	R	5	Garden City
Smith, Wint	R	6	Mankato
<b>KENTUCKY</b>			
Gregory, Noble J.	D	1	Mayfield
Whitaker, John A.	D	2	Russelville
Morton, Thruston Ballard	R	3	Glenview
Chelf, Frank L.	D	4	Lebanon
Spence, Brent	D	5	Fort Thomas
Chapman, Virgil	D	6	Paris
Meade, W. Howes	R	7	Paintsville
Bates, Joe B.	D	8	Greenup
Lewis, William	R	9	London
<b>LOUISIANA</b>			
Hébert, F. Edward	D	1	New Orleans
Boggs, Hale	D	2	New Orleans
Domengeaux, James	D	3	Lafayette
Brooks, Overton	D	4	Shreveport
Passman, Otto E.	D	5	Monroe
Morrison, James H.	D	6	Hammond
Larcade, Henry D. Jr.	D	7	Opelousas
Allen, A. Leonard	D	8	Winnfield
<b>MAINE</b>			
Hale, Robert	R	1	Portland
Smith, Margaret Chase	R	2	Skowhegan
Fellows, Frank	R	3	Bangor
<b>MARYLAND</b>			
Miller, Edward T.	R	1	Easton
Meade, Hugh A.	D	2	Baltimore
Garmatz, Edward A.	D	3	Baltimore
Fallon, George H.	D	4	Baltimore
Sasscer, Lansdale G.	D	5	Upper Marlboro
Beall, J. Glenn	R	6	Frostburg
<b>MASSACHUSETTS</b>			
Heselton, John W.	R	1	Deerfield
Clason, Charles R.	R	2	Springfield
Philbin, Philip J.	D	3	Clinton
Donohue, Harold D.	D	4	Worcester
Rogers, Edith Nourse	R	5	Lowell
Bates, George J.	R	6	Salem
Lane, Thomas J.	D	7	Lawrence
Goodwin, Angier L.	R	8	Melrose
Nicholson, Donald W.	R	9	Wareham
Herter, Christian A.	R	10	Boston
Kennedy, John F.	D	11	Boston

XVI

**HOUSE OF REPRESENTATIVES**

<b>MASSACHUSETTS—Continued</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
McCormack, John W.	D	12	Dorchester
Wigglesworth, Richard B.	R	13	Milton
Martin, Joseph W. Jr.	R	14	North Attleboro
<b>MICHIGAN</b>			
Sadowski, George G.	D	1	Detroit
Michener, Earl C.	R	2	Adrian
Shafer, Paul W.	R	3	Battle Creek
Hoffman, Clare E.	R	4	Allegan
Jonkman, Bartel J.	R	5	Grand Rapids
Blackney, William W.	R	6	Flint
Wolcott, Jesse P.	R	7	Port Huron
Crawford, Fred L.	R	8	Saginaw
Engel, Albert J.	R	9	Muskegon
Woodruff, Roy O.	R	10	Bay City
Potter, Charles E.	R	11	Cheboygan
Bennett, John B.	R	12	Ontonagon
Coffin, Howard A.	R	13	Detroit
Youngblood, Harold F.	R	14	Detroit
Dingell, John D.	D	15	Detroit
Lesinski, John	D	16	Dearborn
Dondero, George A.	R	17	Royal Oak
<b>MINNESOTA</b>			
Andresen, August H.	R	1	Red Wing
O'Hara, Joseph P.	R	2	Glencoe
MacKinnon, George	R	3	Minneapolis
Devitt, Edward J.	R	4	St. Paul
Judd, Walter H.	R	5	Minneapolis
Knutson, Harold	R	6	Manhattan Beach
Andersen, H. Carl	R	7	Tyler
Blatnik, John A.	D	8	Chisholm
Hagen, Harold C.	R	9	Crookston
<b>MISSISSIPPI</b>			
Rankin, John E.	D	1	Tupelo
Whitten, Jamie L.	D	2	Charleston
Whittington, William M.	D	3	Greenwood
Abernethy, Thomas G.	D	4	Okolona
Winstead, Arthur	D	5	Philadelphia
Colmer, William M.	D	6	Pascagoula
Williams, John Bell	D	7	Raymond
<b>MISSOURI</b>			
Arnold, Wat	R	1	Kirksville
Schwabe, Max	R	2	Columbia
Cole, William C.	R	3	St. Joseph
Bell, C. Jasper	D	4	Blue Springs
Reeves, Albert L. Jr.	R	5	Kansas City
Bennett, Marion T.	R	6	Springfield
Short, Dewey	R	7	Galena
Banta, Parke M.	R	8	Arcadia
Cannon, Clarence	D	9	Elsberry

**XVII**

**HOUSE OF REPRESENTATIVES**

	<b>Party</b>	<b>Dist.</b>	<b>City</b>
<b>MISSOURI—Continued</b>			
Bakewell, Claude L.	R	11	St. Louis
Ploeser, Walter C.	R	12	Chesterfield, R. F. D.
Karsten, Frank M.	D	13	St. Louis
<b>MONTANA</b>			
Mansfield, Mike	D	1	Missoula
D'Ewart, Wesley A.	R	2	Wilsall
<b>NEBRASKA</b>			
Curtis, Carl T.	R	1	Minden
Buffett, Howard H.	R	2	Omaha
Stefan, Karl	R	3	Norfolk
Miller, A. L.	R	4	Kimball
<b>NEVADA</b>			
Russell, Charles H.	R	At L.	Ely
<b>NEW HAMPSHIRE</b>			
Merrow, Chester E.	R	1	Center Ossipee
Cotton, Norris	R	2	Lebanon
<b>NEW JERSEY</b>			
Wolverton, Charles A.	R	1	Merchantville
Hand, T. Millet	R	2	Cape May City
Auchincloss, James C.	R	3	Rumson
Mathews, Frank A. Jr.	R	4	Riverton
Eaton, Charles A.	R	5	Watchung
Case, Clifford P.	R	6	Rahway
Thomas, J. Parnell	R	7	Allendale
Canfield, Gordon	R	8	Paterson
Towe, Harry L.	R	9	Rutherford
Hartley, Fred A. Jr.	R	10	Kearny
Sundstrom, Frank L.	R	11	East Orange
Kean, Robert W.	R	12	Livingston
Norton, Mary T.	D	13	Jersey City
Hart, Edward J.	D	14	Jersey City
<b>NEW MEXICO</b>			
Fernandez, Antonio M.	D	At L.	Santa Fe
Lusk, Georgia L.	D	At L.	Santa Fe
<b>NEW YORK</b>			
Macy, W. Kingsland	R	1	Islip
Hall, Leonard W.	R	2	Oyster Bay
Latham, Henry J.	R	3	Queens Village
McMahon, Gregory	R	4	Ozone Park
Ross, Robert Tripp	R	5	Jackson Heights
Nodar, Robert Jr.	R	6	Maspeth
Delaney, John J.	D	7	Brooklyn
Pfeifer, Joseph L.	D	8	Brooklyn
Keogh, Eugene J.	D	9	Brooklyn
Somers, Andrew L.	D	10	Brooklyn
Heffernan, James J.	D	11	Brooklyn
Rooney, John J.	D	12	Brooklyn
O'Toole, Donald L.	D	13	Brooklyn
Multer, Abraham J.	D	14	Brooklyn

XVIII

**HOUSE OF REPRESENTATIVES**

<b>NEW YORK—Continued</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Celler, Emanuel	D	15	Brooklyn
Buck, Ellsworth B.	R	16	Staten Island
Coudert, Frederic R. Jr.	R	17	New York City
Marcantonio, Vito	A. L.	18	New York City
Klein, Arthur G.	D	19	New York City
Bloom, Sol	D	20	New York City
Javits, Jacob K. (Jack)	R	21	New York City
Powell, Adam C. Jr.	D	22	New York City
Lynch, Walter A.	D	23	New York City
Isacson, Leo	A. L.	24	New York City
Buckley, Charles A.	D	25	New York City
Potts, David M.	R	26	New York City
Gwinn, Ralph W.	R	27	Bronxville
Gamble, Ralph A.	R	28	Larchmont
St. George, Katharine	R	29	Tuxedo Park
LeFevre, Jay	R	30	New Paltz
Kearney, Bernard W. (Pat)	R	31	Gloversville
Byrne, William T.	D	32	Loudonville
Taylor, Dean P.	R	33	Troy
Kilburn, Clarence E.	R	34	Malone
Fuller, Hadwen C.	R	35	Parish
Riehlman R. Walter	R	36	Tully
Hall, Edwin Arthur	R	37	Binghamton
Taber, John	R	38	Auburn
Cole, W. Sterling	R	39	Bath
Keating, Kenneth B.	R	40	Rochester
Wadsworth, James W.	R	41	Geneseo
Andrews, Walter G.	R	42	Buffalo
Elsaesser, Edward J.	R	43	Buffalo
Butler, John C.	R	44	Buffalo
Reed, Daniel A.	R	45	Dunkirk

<b>NORTH CAROLINA</b>			
Bonner, Herbert C.	D	1	Washington
Kerr, John H.	D	2	Warrenton
Barden, Graham A.	D	3	New Bern
Cooley, Harold D.	D	4	Nashville
Folger, John H.	D	5	Mount Airy
Durham, Carl T.	D	6	Chapel Hill
Clark, J. Bayard	D	7	Fayetteville
Deane, Charles B.	D	8	Rockingham
Doughton, Robert L.	D	9	Laurel Springs
Jones, Hamilton C.	D	10	Charlotte
Bulwinkle, Alfred L.	D	11	Gastonia
Redden, Monroe M.	D	12	Hendersonville

<b>NORTH DAKOTA</b>			
Lemke, William	R	At L.	Fargo
Robertson, Charles R.	R	At L.	Bismarck

XIX



**HOUSE OF REPRESENTATIVES**

<b>OHIO</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Elston, Charles H.	R	1	Cincinnati
Hess, William E.	R	2	Cincinnati
Burke, Raymond H.	R	3	Hamilton
McCulloch, William M.	R	4	Piqua
Clevenger, Cliff	R	5	Bryan
McCowen, Edward O.	R	6	Wheelersburg
Brown, Clarence J.	R	7	Blanchester
Smith, Frederick C.	R	8	Marion
Ramey, Homer A.	R	9	Toledo
Jenkins, Thomas A.	R	10	Ironton
Brehm, Walter E.	R	11	Logan
Vorys, John M.	R	12	Columbus
Weichel, Alvin F.	R	13	Sandusky
Huber, Walter B.	D	14	Akron
Griffiths, P. W.	R	15	Marietta
Carson, Henderson H.	R	16	Canton
McGregor, J. Harry	R	17	West Lafayette
Lewis, Earl R.	R	18	St. Clairsville
Kirwan, Michael J.	D	19	Youngstown
Feighan, Michael A.	D	20	Cleveland
Crosser, Robert	D	21	Cleveland
Bolton, Frances P.	R	22	Lyndhurst
Bender, George H.	R	A: L.	Cleveland Heights
<b>OKLAHOMA</b>			
Schwabe, George B.	R	1	Tulsa
Stigler, William G.	D	2	Stigler
Albert, Carl	D	3	McAlester
Johnson, Glen D.	D	4	Okemah
Monroney, A. S. Mike	D	5	Oklahoma City
Morris, Toby	D	6	Lawton
Peden, Preston E.	D	7	Altus
Rizley, Ross	R	8	Guymon
<b>OREGON</b>			
Norblad, Walter	R	1	Astoria
Stockman, Lowell	R	2	Pendleton
Angell, Homer D.	R	3	Portland
Ellsworth, Harris	R	4	Roseburg
<b>PENNSYLVANIA</b>			
Gallagher, James	R	1	Philadelphia
McGarvey, Robert N.	R	2	Philadelphia
Scott, Hardie	R	3	Philadelphia
Maloney, Franklin J.	R	4	Philadelphia
Sarbacher, George W. Jr.	R	5	Philadelphia
Scott, Hugh D. Jr.	R	6	Philadelphia
Chadwick, E. Wallace	R	7	Moylan
Lichtenwalter, Franklin H.	R	8	Allentown
Dague, Paul B.	R	9	Downingtown
Scoblick, James P.	R	10	Archbald
Jenkins, Mitchell	R	11	Trucksville

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**HOUSE OF REPRESENTATIVES**

<b>PENNSYLVANIA—Continued</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Fenton, Ivor D.	R	12	Mahanoy City
Muhlenberg, Frederick A.	R	13	Sinking Springs (R. F. D.)
Gillette, Wilson D.	R	14	Towanda
Rich, Robert F.	R	15	Woolrich
McConnell, Samuel K. Jr.	R	16	Penn Wynne
Simpson, Richard M.	R	17	Huntingdon
Kunkel, John C.	R	18	Harrisburg
Gavin, Leon H.	R	19	Oil City
Walter, Francis E.	D	20	Easton
Gross, Chester H.	R	21	Manchester (R. F. D.)
Van Zandt, James E.	R	22	Altoona
Crow, William J.	R	23	Uniontown
Morgan, Thomas E.	D	24	Fredericktown
Graham, Louis E.	R	25	Beaver
Tibbott, Harve	R	26	Ebensburg
Kelley, Augustine B.	D	27	Greensburg
Kearns, Carroll D.	R	28	Farrell
McDowell, John	R	29	Wilkinsburg
Corbett, Robert J.	R	30	Bellevue
Fulton, James G.	R	31	Dormont (Pittsburgh)
Eberharter, Herman P.	D	32	Pittsburgh
Buchanan, Frank	D	33	McKeesport
<b>RHODE ISLAND</b>			
Forand, Aime J.	D	1	Cumberland
Fogarty, John E.	D	2	Harmony
<b>SOUTH CAROLINA</b>			
Rivers, L. Mendel	D	1	Charleston
Riley, John J.	D	2	Sumter
Dorn, W. J. Bryan	D	3	Greenwood
Bryson, Joseph R.	D	4	Greenville
Richards, James P.	D	5	Lancaster
McMillan, John L.	D	6	Florence
<b>SOUTH DAKOTA</b>			
Mundt, Karl E.	R	1	Madison
Case, Francis	R	2	Custer
<b>TENNESSEE</b>			
Phillips, Dayton E.	R	1	Elizabethton
Jennings, John E., Jr.	R	2	Knoxville
Kefauver, Estes	D	3	Chattanooga
Gore, Albert	D	4	Carthage
Evins, Joe L.	D	5	Smithville
Priest, J. Percy	D	6	Nashville
Courtney, Wirt	D	7	Franklin
Murray, Tom	D	8	Jackson
Cooper, Jere	D	9	Dyersburg
Davis, Clifford	D	10	Memphis

XXI

**HOUSE OF REPRESENTATIVES**

<b>TEXAS</b>	<b>Party</b>	<b>Dist.</b>	<b>City</b>
Patman, Wright	D	1	Texarkana
Combs, J. M.	D	2	Beaumont
Beckworth, Lindley	D	3	Gladewater (R. F. D.)
Rayburn, Sam	D	4	Bonham
Wilson, J. Frank	D	5	Dallas
Teague, Olin E.	D	6	College Station
Pickett, Tom	D	7	Palestine
Thomas, Albert	D	8	Houston
Thompson, Clark W.	D	9	Galveston
Johnson, Lyndon B.	D	10	Johnson City
Poage, W. R.	D	11	Waco
Lucas, Wingate H.	D	12	Grapevine
Gossett, Ed	D	13	Wichita Falls
Lyle, John E.	D	14	Corpus Christi
West, Milton H.	D	15	Brownsville
Regan, Ken	D	16	Midland
Burleson, Omar	D	17	Ansom
Worley, Eugene	D	18	Shamrock
Mahon, George H.	D	19	Colorado City
Kilday, Paul J.	D	20	San Antonio
Fisher, O. C.	D	21	San Angelo
<b>UTAH</b>			
Granger, Walter K.	D	1	Cedar City
Dawson, William A.	R	2	Layton
<b>VERMONT</b>			
Plumley, Charles A.	R	At L.	Northfield
<b>VIRGINIA</b>			
Bland, Schuyler Otis	D	1	Newport News
Hardy, Porter Jr.	D	2	Norfolk
Gary, J. Vaughan	D	3	Richmond
Abbitt, Watkins M.	D	4	Appomattox
Stanley, Thomas B.	D	5	Stanleytown
Harrison, Burr P.	D	7	Winchester
Smith, Howard W.	D	8	Alexandria
Flannagan, John W. Jr.	D	9	Bristol
<b>WASHINGTON</b>			
Jones, Homer R.	R	1	Bremerton
Jackson, Henry M.	D	2	Everett
Mack, Russell V.	R	3	Hoquiam
Holmes, Hal	R	4	Ellensburg
Horan, Walt	R	5	Wenatchee
Tollefson, Thor C.	R	6	Tacoma
<b>WEST VIRGINIA</b>			
Love, Francis J.	R	1	Wheeling
Snyder, Melvin C.	R	2	Kingwood
Rohrbough, Edward G.	R	3	Glenville

XXII

**HOUSE OF REPRESENTATIVES**

	<b>Party</b>	<b>Dist.</b>	<b>City</b>
<b>WEST VIRGINIA—Continued</b>			
Ellis, Hubert S.	R	4	Huntington
Kee, John	D	5	Bluefield
Hedrick, E. H.	D	6	Beckley
<b>WISCONSIN</b>			
Smith, Lawrence H.	R	1	Racine
Davis, Glenn R.	R	2	Waukesha
Stevenson, William H.	R	3	La Crosse
Brophy, John C.	R	4	Milwaukee
Kersten, Charles J.	R	5	Milwaukee
Keefe, Frank B.	R	6	Oshkosh
Murray, Reid F.	R	7	Ogdensburg
Byrnes, John W.	R	8	Green Bay
Hull, Merlin	R	9	Black River Falls
O'Konski, Alvin E.	R	10	Mercer
<b>WYOMING</b>			
Barrett, Frank A.	R	At L.	Lusk

Republicans	-	-	-	-	-	-	244
Democrats	-	-	-	-	-	-	186
American Labor	-	-	-	-	-	-	2

**DELEGATES AND RESIDENT COMMISSIONERS**

	<b>Party</b>	<b>City</b>
<b>ALASKA</b>		
Delegate		
Bartlett, E. L.	D	Juneau
<b>HAWAII</b>		
Delegate		
Farrington, Joseph R.	R	Honolulu
<b>PUERTO RICO</b>		
Resident Commissioner		
Fernos-Isern, A.	P-D	San Juan

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Reorganization Act of 1946, Aug. 2, 1946, ch. 753,  
Tit. 1, 60 Stat. 814*

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**XXVIII**

## **Acknowledgment**

**T**he Publishers hereby wish to record grateful appreciation to the Bench and Bar, as well as to the various Bar Associations and Law Schools, for valuable and practical assistance and cooperation throughout the preparation of this historic new Title of the United States Code, relating to the Judiciary and Judicial Procedure.

**The Congress**  
**Laws of 80th Congress**  
**Second Session**

†

xxx

# Title 28, United States Code

## Judiciary and Judicial

## Procedure

### CHAPTER 646—PUBLIC LAW 773

#### AN ACT

To revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

Title 28 of the United States Code, entitled "Judicial Code and Judiciary" is hereby revised, codified, and enacted into law, and may be cited as "Title 28, United States Code, section —", as follows:

### TITLE 28

### JUDICIARY AND JUDICIAL PROCEDURE

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Ch. 5

DISTRICT COURTS

Tit. 28, § 133

**§ 130. Wisconsin**

Wisconsin is divided into two judicial districts to be known as the Eastern and Western districts of Wisconsin.

**Eastern District**

(a) The Eastern District comprises the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.

Court for the Eastern District shall be held at Green Bay, Milwaukee, and Oshkosh.

**Western District**

(b) The Western District comprises the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood.

Court for the Western District shall be held at Eau Claire, La Crosse, Madison, Superior, and Wausau.

**§ 131. Wyoming**

Wyoming and those portions of Yellowstone National Park situated in Montana and Idaho constitute one judicial district.

Court shall be held at Casper, Cheyenne, Evanston, Lander, and Sheridan.

**§ 132. Creation and composition of district courts**

(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.

(b) Each district court shall consist of the district judge or judges for the district in active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.

(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

**§ 133. Appointment and number of district judges**

The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

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Yellowstone National Park in Montana and Idaho is derived from said section 27. Other provisions of said section are incorporated in sections 631 and 632 of this title.

A provision of section 196 of title 28, U.S.C., 1940 ed., for furnishing rooms and accommodations at Casper was omitted as obsolete, upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available there.

Provisions of section 196 of title 28, U.S.C., 1940 ed., for appointment of deputies and maintenance of offices by the clerk and marshal were omitted as covered by sections 541, 542, and 751 of this title.

**Section 132—Section Revised**

Based on title 28, U.S.C., 1940 ed., § 1, and section 641 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; Mar. 3, 1911, ch. 231, § 1, 36 Stat. 1087; July 30, 1914, ch. 216, 38 Stat. 580; July 19, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 19).

Section consolidates section 1 of title 28, U.S.C., 1940 ed., and section 641 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect the consolidation.

Subsection (c) is derived from section 641 of title 48, U.S.C., 1940 ed., which applied only to the Territory of Hawaii. The revised section, by extending it to all districts, merely recognizes established practice.

Other portions of section 1 of title 28, U.S.C., 1940 ed., are incorporated in sections 133 and 134 of this title. The remainder of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 133 of this title.

**Section 133—Section Revised <sup>5</sup>**

Based on title 28, U.S.C., 1940 ed., § 1 and notes; sections 641, 643, 863, and 864 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions; District of Columbia Code, 1940 ed., § 11-301 (Apr. 12, 1900, ch. 191, §§ 34, 35, 31 Stat. 84, 85; Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1901, ch. 854, § 60, 31 Stat. 1199; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; Mar. 3, 1911, ch. 231, § 1, 36 Stat. 1087; Jan. 7, 1913, ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 3, 1915, ch. 100, § 1, 38 Stat. 961; Apr. 11, 1916, ch. 64, § 1, 39 Stat. 48; Feb. 26, 1917, ch. 120, 39 Stat. 938; Mar. 2, 1917, ch. 145, §§ 41, 42, 39 Stat. 965, 966; Feb. 26, 1919, ch. 50, § 1, 40 Stat. 1183; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Sept. 14, 1922, ch. 306, § 1, 42 Stat. 837; Jan. 16, 1925, ch. 83, § 3, 43 Stat. 752; Feb. 12, 1925, ch. 220, 43 Stat. 890; Feb. 13, 1925, ch. 229, §§ 1, 13, 43 Stat. 936, 942; Feb. 16, 1925, ch. 233, §§ 2, 3, 43 Stat. 946; Mar. 2, 1925, ch. 397, §§ 1-3, 43 Stat. 1098; Mar. 3,

<sup>5</sup> Provisions for one district judge in the Southern District of Indiana were inserted in this section by Senate amendment. See Senate Report No. 1559.